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October 17, 1997

VIA FEDERAL EXPRESS

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: *Wireless One Network's Petition for Arbitration with Sprint Florida*
Docket No. **971194-TP**

Dear Ms. Bayo:

Please find enclosed for filing the original and seventeen of the Wireless One's Issue Brief.
Please date stamp and return two copies in the enclosed self-addressed envelope.

Very truly yours,

William A. Adams

ACK Enclosures

ATA	cc: (w/enc.)	Commissioner Susan F. Clark (via Federal Express)
ATD	_____	Beth Culpepper, Esq. (via Federal Express)
CTF	_____	William Cox, Esq. (via Federal Express)
CTH	_____	Charles J. Rehwinkel, Esq.
CTR	_____	Frank Heaton
EAG	_____	James A. Dwyer

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BEFORE
THE FLORIDA PUBLIC SERVICE COMMISSION

Petition By Wireless One Network, L.P. d/b/a)
Cellular One of Southwest Florida for Arbitration) Docket No. 971194-TP
with Sprint-Florida, Incorporated Pursuant to)
Section 252 of the Telecommunications Act of 1996.)

WIRELESS ONE'S ISSUE BRIEF

Introduction

Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida ("Wireless One") has been involved in extensive discussions with Sprint Florida, Incorporated ("Sprint") and the Staff of the Florida Public Service Commission ("Staff") concerning the appropriate scope of the issues to be presented to the Commission for resolution in this arbitration proceeding. The participants are in general agreement as to the issues to be determined by the Commission, except as to certain issues related to the appropriate definition of "local traffic."

The definition of "local traffic" selected by the Commission ultimately will determine whether Sprint will be able to continue to charge Wireless One a toll charge under its tariffed reverse option for Sprint traffic terminated on Wireless One's network when the call originates and terminates in the same Major Trading Area ("MTA").¹ If a toll charge no longer is appropriate (considering that the Federal Communications Commission ("FCC") now requires the costs for all intraMTA calls to be recovered through transport and termination charges²), the Commission must determine whether the new transport and termination charge replaces the

¹ Wireless One does not dispute that *inter*MTA calls would continue to be assessed a toll charge and that Sprint's tariffed reverse option would continue to apply in such instances.

² See 47 C.F.R. §§ 51.701(b)(2), 51.703(b); *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98 (First Report and Order, August 8, 1996) (hereinafter "Order"), ¶¶ 1035, 1036.

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former toll charge, or whether Sprint is entitled to compensation for any additional costs associated with transporting local calls throughout an expanded local calling area, now defined by the MTA rather than on an exchange basis.

Recognizing the interplay of these principles, Staff requested that briefs be filed for the hearing officer to decide whether the following issue should be decided in this proceeding:

If the Commission decides that Sprint's Reverse Toll Option is part of the interconnection agreement and included in transport and termination rates, should the Commission make a determination as to whether any additional compensation to Sprint is necessary?

Wireless One would like all interconnection issues with Sprint to be resolved in this case and strongly believes that the Commission should consider now the issue of whether Sprint is entitled to additional compensation for transporting calls over a larger local calling area. The following language accurately captures the scope of this issue and Wireless One proposes that it be designated as issue one for the Commission's resolution in this case:

Now that the Federal Communications Commission has promulgated 47 C.F.R. 51.701(b)(2), should Sprint's Reverse Option Charge be part of the interconnection agreement and included in local transport and termination rates, preventing the assessment of toll charges for land-to-mobile calls originating and terminating within a Major Trading Area? If so, what, if anything, should Sprint be able to charge Wireless One for costs associated with transporting local calls throughout the larger local calling area versus the traditional wireline local calling areas?

Analysis

The Telecommunications Act of 1996 clearly provides that the petition for arbitration and the response thereto frame the appropriate issues for the Commission's consideration in an arbitration proceeding. 47 U.S.C. §§ 252(b)(2), (3) and (4). Wireless One's Petition for Arbitration filed September 12, 1997, and Sprint's Response filed October 7, 1997 (both of

which are incorporated by reference herein), raise the predicate question of whether the reverse toll charge should be included in the transport and termination rates³ and the question proposed by Staff of whether Sprint is entitled to any additional compensation for transporting Wireless One's calls over a larger local calling area.

If the Commission were to replace the reverse toll charge with transport and termination rates, it must consider whether Sprint is entitled to an additional form of compensation in this proceeding. Indeed, it was Sprint that raised the issue that it must be made whole if the Commission were to include the reverse toll charge in the transport and termination rate established in this proceeding. However, in raising this issue, Sprint argued that relief would be required in a separate rate-related proceeding, rather than in this arbitration proceeding. See Response at page 7 ("Granting this relief...would deprive Sprint of the ability to recover the costs incurred in terminating calls - unless the Commission were to allow Sprint to recover the costs elsewhere.") See, also, fn 4 ("...absent cost recovery provided from another revenue source in another docket, application of existing tariffs would be Sprint's only lawful option.")

Contrary to Sprint's assertions on this issue, it is Wireless One's position that, if the Commission were to replace the reverse toll charge for intraMTA calls with transport and termination, Sprint could recover costs associated with the transport of calls over the larger local calling area. This concept is not new to the Commission, which has approved interconnection agreements between other LECs and CMRS providers that provide for such an "additive rate." See, e.g., BellSouth/Vanguard Agreement, approved June 11, 1997 in Docket No. 970228-TP, at 4. ("The parties acknowledge that the "LATAwide Additive" is intended to compensate

³ See Wireless One's Petition at pages 3, 5-8), and Sprint's Response at page 4 ("The practical import of the issue posed is whether the federal definition of "local traffic" impacts the applicability of Sprint's tariff A25.1.8 which

BellSouth for the additional transport and other costs associated with transporting calls throughout a large local calling area defined for CMRS providers with respect to local interconnection (an MTA) versus the traditional wireline local calling areas as currently defined by the appropriate Commissions.”)

The proposed issue clearly is within the Commission's authority to arbitrate under 47 U.S.C. § 251(b)(5) and, having been properly raised pursuant to 47 U.S.C. §§ 252(b)(3), (4) and (5), should be considered in its entirety by the Commission in this arbitration proceeding.

Respectfully submitted,



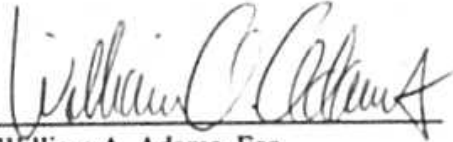
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governs the provision of reverse toll bill option (RTBO) service.”) See, also, pages 4-6.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Issues Brief was served upon the following persons by regular U.S. Mail or overnight delivery, postage prepaid, on this 17th day of October, 1997.



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